

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants amend claims 1-10 and add new claims 11-18. Accordingly, claims 1-18 are pending in the application.

Applicants thank) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents, and for indicating that the drawings are acceptable.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

CLAIM OBJECTIONS

The Office Action objects to claim 9 due to an informality.

By this Amendment, Applicants amend claim 9, and respectfully submit that the objection to claim 9 is thereby overcome.

Accordingly, for at least these reasons, Applicants respectfully request that the objection to claim 9 be withdrawn.

35 U.S.C. § 112

The Office Action rejects claims 6 and 9 under 35 U.S.C. § 112 due to the inclusion of the word "similar."

By this Amendment, Applicants amend claims 6 and 9 to remove the word "similar," and therefore respectfully submit that the objection to claim 9 is overcome.

Accordingly, for at least these reasons, Applicants respectfully request that the rejections of claims 6 and 9 under 35 U.S.C. § 112 be withdrawn.

35 U.S.C. §§ 102 & 103

The Office Action rejects: claims 1-3, 5, 8 and 10 under 35 U.S.C. § 102 over ; claim 4 over Akagiri et al. U.S. Reissue Patent RE37864 ("Akagiri"); claim 4 under 35 U.S.C. § 102 over Akagiri in view of Kirkeby U.S. Patent 6,928,169 ("Kirkeby"); claim 6 under 35 U.S.C. § 102 over Akagiri; and claims 7 and 9 under 35 U.S.C. § 102 over Akagiri in view of Moehrs et al. "*Analysing decompressed audio with the*

'Inverse Decoder' - towards and Operative Algorithm," AUDIO ENGINEERING SOCIETY CONVENTION PAPER, May 2002 ("Moehrs").

Applicants respectfully submit that all of the claims 1-10 are patentable over the cited art for at least the following reasons.

Claim 1

Among other things, the system of claim 1 includes a distortion detector for determining a degree to which quantization noise introduced in encoding successive fragments of a previously-encoded audio signal becomes audible due to post-processing a corresponding decoded audio signal, and a regulator arranged to control the post-processor according to the degree.

Applicants respectfully submit that Akagiri does not disclose any system that includes this combination of features.

The Office Action cited elements 12 and 18 in FIG. 6 of Akagiri as supposedly corresponding to the distortion detector of claim 1, and element 13 in FIG. 6 of Akagiri as supposedly corresponding to the regulator of claim 1. Notably, the Office Action does not cite anything in FIG. 6 (or in any of the other figures of Akagiri) as even allegedly corresponding to the post-processor recited in claim 1.

FIG. 6 of Akagiri shows a quantizer for quantizing a sampled digital audio signal received at input terminal 1, and a circuit for reducing the quantizing error generated by quantizer 11.

FIG. 6 does not show any post-processor, and element 13 in FIG. 6 does not control any post-processor. Element 13 is a noise filter which is controlled to provide a quantization error feedback signal for controlling quantization error of quantizer 11. The Office Action does not allege that quantizer 11 is a post-processor which alters successive fragments of a decoded audio signal that have been produced by decoding successive fragments of a previously-encoded audio signal – as recited in claim 1. Applicants respectfully submit that quantizer 11 is not such a post-processor. Indeed, the circuit in FIG. 6 does not process successive fragments of a decoded audio signal that have been produced by decoding successive fragments of a previously-encoded audio signal.

Therefore, it is also apparent that element 13 cannot be, and in fact is not, a regulator arranged to control such a post-processor.

So Akagiri can not disclose the system of claim 1.

Furthermore, elements 12 and 18 in FIG. 6 of do not determine a degree to which quantization noise introduced in encoding successive fragments of a previously-encoded audio signal become audible due to post-processing a decoded audio signal produced by decoding the previously-encoded audio signal. In particular, again, FIG. 6 does not show any decoded audio signal produced by decoding a previously-encoded audio signal.

So again, Akagiri can not disclose the system of claim 1.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is clearly patentable over Akagiri.

Claims 2-5 and 8

Claims 2-5 and 8 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claims 6, 7 and 9

Claims 6, 7 and 9 depend from claim 1. Applicants respectfully submit that Kirkeby and Moehrs do not remedy the shortcomings of Akagiri as set forth above with respect to claim 1. Accordingly, claims 6, 7 and 9 are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 10

Among other things, the method of claim 10 includes determining a degree to which quantization noise introduced in encoding successive fragments of a previously-encoded audio signal becomes audible due to post-processing a corresponding decoded audio signal, and regulating the post-processing step according to the degree.

For similar reasons to those set forth above with respect to claim 1, Applicants respectfully submit that Akagiri does not disclose this combination of features.

NEW CLAIMS 11-18

New claims 11-18 all depend from claim 10 and are deemed patentable for at least the reasons set forth above with respect to claim 10.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-18, and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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